

PATENT

Express Mail No. _____
Docket No. 16184.006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
JOHN Y. MASON *et al.*

Serial No: 09/997,694

Filed.: November 30, 2001

For: **METHODS OF USING CHLORINE
DIOXIDE AS A FUMIGANT**

Examiner: M. Chorbaji

Art Unit: 1744

**REVOCATION OF PRIOR POWER OF ATTORNEY
AND APPOINTMENT OF NEW ATTORNEYS OF RECORD**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Sabre Oxidation Technologies, Inc. is an assignee in the above-captioned application. The undersigned, having express authority to represent Sabre Oxidation Technologies, Inc., hereby revokes all powers of attorney heretofore given in the above-captioned application and appoints as its attorneys Mark E. Waddell, Esq. (Reg. No. 31,803) and Kathleen Gersh, Esq. (Reg. No. 41,806), both members of the Bar of the State of New York, with offices at Chadbourne & Parke LLP, 30 Rockefeller Plaza, New York, NY 10112.

Kindly address all further communications relating to this application to:

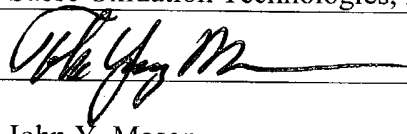
Mark E Waddell, Esq.
Chadbourne & Parke LLP
30 Rockefeller Plaza
New York, NY 10112

Direct phone calls to Mark E. Waddell, Esq. at (212) 408-8044.

On behalf of Sabre Oxidation Technologies, Inc.:

FOR: Sabre Oxidation Technologies, Inc.

SIGNATURE:

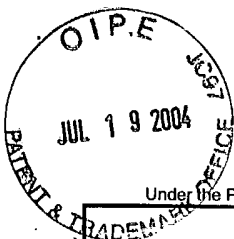


BY: John Y. Mason

TITLE: President

DATE:

July 15, 2004



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PTO/SB/96 (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Sabre Oxidation Technologies, Inc.

Application No./Patent No.: 09/997,694 Filed/Issue Date: November 30, 2001

Entitled: METHODS OF USING CHLORINE DIOXIDE AS A FUMIGANT

Sabre Oxidation Technologies, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☒ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is 50 %
in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
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3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

July 15, 2004
Date

202 256-3449

Telephone number

John Y. Mason

Typed or printed name

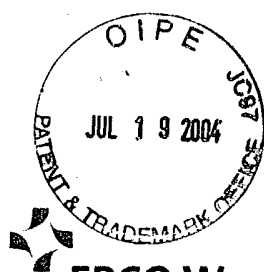
[Signature]
Signature

President

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



ERCO Worldwide

A division of Superior Plus Inc.
Via Courier & e-mail

May 14, 2004

Ashland Inc. ("Ashland") :

Charles Saunders, Jr. Esq.
Ashland Inc.
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Dublin, Ohio 43017

Len R. Gelosia
Ashland Inc.
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Boonton, NJ 07005

cc: David L. Hedden, Esq.
Ashland Chemical Company
Legal Department
5200 Blazer Parkway
Dublin, Ohio 43017

Sabre Oxidation Technologies, Inc. ("Sabre") :

John Mason
Sabre Oxidation Technologies, Inc
2642 Marco Avenue
Odessa Texas 80872

cc: Mark E. Waddell, Esq.
Chadbourn & Parke LLP
30 Rockefeller Plaza
New York NY 10112

Re: Notice of Withdrawal of Interest in Maintaining Joint Invention

ERCO Worldwide, A Division of Superior Plus Inc. ("ERCO") and successor in interest to Sterling Pulp Chemicals, Ltd. ("Sterling"), hereby confirms in writing the notice provided to Ashland and Sabre on April 30, 2004 through their attorneys and representatives that, effective April 30, 2004, ERCO is not interested in seeking or maintaining patent protection for the process for the use of chlorine dioxide as a fumigant which was jointly conceived by Gerald Cowley of Sterling, John Y. Mason of Sabre, and Samuel F. Eltomi of Ashland (the "Joint Invention"). As discussed, an assignment of rights is to be prepared by Sabre and Ashland and forwarded to ERCO and, upon agreement as to content, is to be executed by ERCO.

In relation to the costs for the preparation, filing, prosecution and maintenance of the Joint Invention, ERCO will invoice Sabre and Ashland for the amounts owing from each for their respective one-third shares up to and including April 30, 2004, upon receipt of the April invoice from counsel and upon receipt of any additional invoices. ERCO confirms that it is not obligated for amounts incurred for work performed after April 30, 2004.



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ERCO Worldwide

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Fax: 416-239-0235

Web: www.ercoworldwide.com

The notice of withdrawal is provided without prejudice, and is not to be construed as a waiver of rights arising prior to the provision of the notice.

Yours truly,



E. J. Bechberger
Vice President - Sales & Marketing
ERCO Worldwide,
A division of Superior Plus Inc.

c.c. G. Cowley
M. Lipsztajn
M. L. McDonald

Roger Zimmerman, Esq.
Bowditch & Dewey LLP
161 Worcester Road, Suite 600
Framingham, MA 01701-9320

Assignment

WHEREAS, WE

**John Y. Mason, and
Darrell L. Dechant**

the ASSIGNORS, have invented certain new and useful improvements in

METHODS OF USING CHLORINE DIOXIDE AS A FUMIGANT

which are described and claimed in application for United States Letters Patent Serial No. 09/997,694 filed November 30, 2001;

NOW, THEREFOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to me (us) in hand paid, the receipt and sufficiency whereof are hereby acknowledged, I/we have sold, assigned and set over, and by these presents do hereby sell, assign and set over unto


SABRE OXIDATION TECHNOLOGIES, INC. (a Colorado corporation)
2642 Marco Avenue, Odessa, TX, 79762 U.S.A. (the Assignee)

and the said Assignee's legal representatives, successors and assigns, the entire right, title and interest, in and to the said invention within the United States of America and its territories and possessions, and in and to said application and the Letters Patent of the United States of America that may be granted therefor, together with the right to extend the protection thereof to the various territories and possessions now owned or which may be acquired hereafter by the United States of America and in all foreign countries, including any legal equivalents thereof in all foreign countries and all rights to claim priority, in and to any and all improvements which are disclosed in the invention; and I/we do hereby request and authorize the Commissioner of Patents to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this assignment.

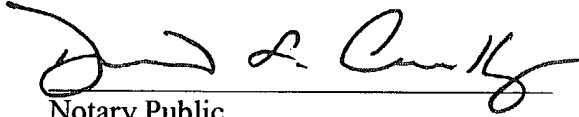
UPON SAID CONSIDERATION, I/we do hereby covenant and agree with the said Assignee that I/we will not execute any writing or do any act whatsoever conflicting with these presents, and that I/we will at any time upon request without further or additional consideration, but at the expense of the said Assignee, execute such additional assignments and other writings and do such additional acts as said Assignee may deem necessary or desirable to perfect the Assignee's enjoyment of this grant and render all necessary assistance in making application for and obtaining original, divisional, reissued, or extended Letters Patent of the United States of America on said invention,

and in enforcing any rights or choices in action accruing as a result of such applications or patents, including but not limited to, giving testimony in any proceedings or transactions involving such applications or patents, and executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind and inure to the benefit of the assigns and legal representatives of all parties hereto.

IN WITNESS WHEREOF, this Assignment has been executed by the Assignors at Gambini Partners, on this 15th day of July, 2004.


JOHN Y. MASON

Before me this 15th day of July, 2004, personally appeared JOHN Y. MASON to me personally known to be the person described in and who executed the above instrument, and acknowledged to me that he/she executed the same of his own free will for the purposes therein set forth.


Notary Public

AFFIX SEAL

DANIEL S. CONNOLLY
Notary Public State of New York
Commission No. 02CO8074865
Qualified in Bronx County
Commission Expires 05 / 20 / 2006

DARRELL L. DECHANT

Before me this _____ day of _____, 2004, personally appeared DARRELL L. DECHANT to me personally known to be the person described in and who executed the above instrument, and acknowledged to me that he/she executed the same of his own free will for the purposes therein set forth.

Notary Public

AFFIX SEAL